

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SUSAN WOERTH MILLER, FAURUM  
SANKARI, ANGELA HEIMGARTNER,  
MICHAEL WACHALA, MARY BETH  
PREUSS, ERIC TERHAERDT, PATRICIA  
WALSH, AND SHEILA EARLY, individually  
and as representatives of classes of participants  
and beneficiaries on behalf of the Astellas US  
Retirement and Savings Plan,

Plaintiffs,

v.

ASTELLAS US LLC, THE BOARD OF  
DIRECTORS OF ASTELLAS US LLC, THE  
ASTELLAS RETIREMENT PLAN  
ADMINISTRATIVE COMMITTEE, AND AON  
HEWITT INVESTMENT CONSULTING,  
INC. (N/K/A AON INVESTMENTS USA,  
INC.),

Defendants.

Civil Action No. 1:20-cv-03882

Honorable Ronald A. Guzman

CLASS ACTION

**DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' DEMAND FOR JURY TRIAL  
PURSUANT TO FED. R. CIV. P. 39(a)(2)**

Defendants Aon Hewitt Investment Consulting, Inc. (NKA Aon Investments USA, Inc.) (“AHIC”) and Astellas US LLC, the Board of Directors of Astellas US LLC, the Astellas Retirement Plan Administrative Committee (collectively, the “Astellas Defendants”), hereby move pursuant to Federal Rule of Civil Procedure 39(a)(2) to strike Plaintiffs’ demand for a jury trial set forth in their Amended Complaint (ECF No. 173) (“Am. Compl.”). For the reasons stated in the accompanying Memorandum of Law, it is well established that each of Plaintiffs’

claims must be tried before the Court and not a jury, and their demand for a jury trial must be struck accordingly.

**LOCAL RULE 37.2 CERTIFICATION**

On March 1, 2022, Mr. William D. Pollak, on behalf of Defendants, and Mr. Troy Doles, on behalf of Plaintiffs, conferred by email to discuss Defendants' *Motion to Strike Plaintiffs' Jury Demand*. During this conference, counsel for Plaintiffs stated that Plaintiffs do not assent to such request for relief. Accordingly, after good faith attempts to resolve their differences, the parties are unable to reach an accord.

Dated: March 1, 2022

Respectfully Submitted,

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*Attorneys for Defendants Astellas US LLC,  
its Board of Directors, and the Astellas  
Retirement Plan Administrative Committee*

**CERTIFICATE OF SERVICE**

I, Brian Boyle, hereby certify that on March 1, 2022, I electronically filed the foregoing *Memorandum of Law in Support of Defendants' Motion to Strike Plaintiffs' Demand for Jury Trial* using the CM/ECF system, which will send notification of such filing to all registered participants.

/s/ Brian D. Boyle  
Brian D. Boyle

*Attorney for Aon Hewitt Investment Consulting Inc.  
(NKA Aon Investments USA, Inc.)*